

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

THE BARTER HOUSE, INC., and BRIAN DIMARCO,

Plaintiffs,

-v-

INFINITY SPIRITS LCC, *a limited liability company*,
DON GOOD TEQUILA COMPANY, LLC, *a limited
liability company*, EUROPEAN INFINITY GROUP
INC., *a corporation*, and BRIAN HOPKINS, *an
individual*,

Defendants.

17 Civ. 9276 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

On April 14, 2020, the Court issued a default judgment against defendants Infinity Spirits LLC and European Infinity Group Inc. Dkt. 340. As a result, Brian Hopkins is the sole remaining defendant. The Court orders plaintiffs and Hopkins to submit a joint letter outlining their respective views as to next steps in the case. Plaintiffs should address whether they intend, following the default judgment against Infinity Spirits and EIG, to continue to pursue their motion for partial summary judgment, insofar as that motion sought summary judgment against Hopkins as to his affirmative defenses. *See* Dkts. 324–25. If not, the case is ready to proceed to trial on the sole unresolved claims: plaintiffs’ breach of contract, unjust enrichment, and fraud claims against Hopkins. *See* Dkt. 14 (First Amended Complaint). Accordingly, the parties’ letters should address: (1) the anticipated length of trial; (2) whether the case is to be tried by jury or whether both sides consent to a bench trial; as to this issue, the Court notifies counsel that, given the present public health crisis, the Court is likely to be able schedule a bench trial in

this civil case substantially before it can schedule a jury trial; and (3) how soon they can be prepared to commence trial. The parties are to submit their joint letter no later than April 24, 2020.

SO ORDERED.



Paul A. Engelmayer
United States District Judge

Dated: April 16, 2020
New York, New York